

LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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After months of bickering, negotiating and compromising, this year's seemingly endless session came to an anticlimactic end on Monday, May 13.

The 2002 Legislative Session began two months early this year, on January 22 because of the constitutional requirement to reapportion the state's legislative and congressional districts every ten years. When the regular session ended on March 22, legislators had not finalized a budget or passed a much anticipated school code rewrite bill, two items the state university system viewed as priorities. A special session was called two weeks later to address the school code bill. That session ended after four days, again without passing a bill. The Governor then called another, 16-day special session, which began on April 29, to complete the state budget and pass a school code rewrite bill among other things.

The big news for the SUS this year is of course the passage of **Senate Bill 20-E**, the School Code Rewrite legislation. This 1,800 page bill reorganizes and restructures the statutes that govern education in Florida, and gives the University Boards of Trustees additional powers and responsibilities (**see related story**).

Governor Jeb Bush has not yet received the \$50 billion state budget that the Legislature passed on May 13. Once he receives it though, he has 15 calendar days to issue his vetoes and sign the bill into law. I will send a veto update when one becomes available. By our early calculations, Florida State University was treated fairly in the budget process, receiving a 6.5 percent increase over last year's post-cut base budget (**see related story**).

Our attention is quickly turning to next year's budget and session, now that this one has come to an end. Legislators will be campaigning this summer and fall and will return to Tallahassee in late November.

This final 2002 *Legisletter* tries to summarize and provide updates on the relevant issues and budget items that passed, as well as those that did not. If you are looking for information that does not appear in this final edition, please feel free to contact me at **644-4453** or by e-mail, **kdaly@govrel.fsu.edu**.

Kathleen

Florida Board of Education Strategic Imperatives

Over the last several months, the Florida Board of Education developed and adopted eight strategic imperatives, including a host of management objectives, in an effort to craft a strategic plan for the K-20 system. The final FBOE strategic plan, which includes the stated imperatives and objectives, will be important to the individual universities and Boards of Trustees as we develop our own strategic plans. Below are the eight imperatives and the accompanying objectives, which were adopted by the FBOE on May 14.

1. Increasing the supply of highly qualified K-12 Instructors
 - Excite interest in teaching as a career in Florida
 - Put more qualified teachers, especially minority teachers, in Florida's classrooms
 - Give teachers strong professional support throughout their careers
 - Keep good teachers in the profession
2. Applying existing academic standards at all levels consistently
 - Eliminate K-12 social promotion
 - Ensure postsecondary students meet high general education requirements before entering upper-division studies
3. Increasing rates of learning and completion at all levels, especially in high school, and raising the proportion of K-12 graduates, particularly low-income and minority

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Budget Overview

The Legislature approved the state's \$50 billion budget on Monday, May 13. Florida State University secured a 6.5 percent increase over last year's post-cut base budget. Below is a summary of funds included in the 2002-03 spending plan:

<p>BASE GENERAL REVENUE \$225,709,383 Grant-in-Aid \$ 13,153,574 Lottery \$238,862,957</p>	<ul style="list-style-type: none"> • Asolo and Support Facilities • Sarasota Ringling Art Museum Conservation/ Curatorial Collections Facility
<p>ENROLLMENT GROWTH \$5.2 Million FTE Breakdown: 617 Lower Division 432 Upper Division 155 Graduate 63 Ph.D.</p>	<p>\$4,271,622 Funds in Specific Appropriation 21B shall be allocated to the Board of Trustees of the named university as matching funds for the Courtelis Facilities matching Grants Program as follows:</p>
<p>FSU MEDICAL SCHOOL \$5.2 Million Our requested rollout this year \$15 Million Capital Outlay for completion of building</p>	<ul style="list-style-type: none"> • Marine Science Research and Training Center • Concert Hall • West Coast Symphony Hall • Pepper Center renovations
<p>SCHOOL OF CHIROPRACTIC \$600,000 School of Chiropractic at FSU (non-recurring in base budget)</p>	<h3>SUS Items</h3>
<p>PANAMA CITY CAMPUS \$753,300 Recurring</p>	
<p>PUBLIC BROADCASTING \$557,675 WFSU TV \$106,614 WFSU Radio</p>	<p>\$5.2 Million - FSU Discretionary Money. Spending authority to be determined by University Board of Trustees</p>
<p>FLORIDA DIAGNOSTIC & LEARNING RESOURCES CENTER \$594,558 Florida Diagnostic & Learning Resources Center – FSU</p>	<ul style="list-style-type: none"> • TUITION – (IN-STATE) 5% across the board increase. The BOT may determine an additional increase of up to 5% at the graduate and professional level.
<p>AUTISM PROGRAM \$816,666 FSU College of Communication</p>	<ul style="list-style-type: none"> • TUITION – (OUT-OF-STATE) 10% across the board increase. The BOT may determine an additional increase of up to 10% for all levels.
<h3>Facilities</h3>	<p>Plus proviso allowing each university to waive fees.</p>
	<ul style="list-style-type: none"> • FACILITIES MATCH (ALEX COURTELIS) - \$35,771,392
<p>\$74,463,900 FSU PECO with the following proviso: The Board of Trustees at Florida State University must expend the funds appropriated on the following projects:</p>	<ul style="list-style-type: none"> • CHALLENGE GRANT PROGRAM \$12.38 million in General Revenue and Lottery funds (\$3.94 million in GR, \$8.44 million in Lottery), \$22.4 million in Trust.
<ul style="list-style-type: none"> • Utilities/Infrastructure/Capital Renewal Roofs • Building Envelope Improvements – Phase II • Montgomery Gym Remodeling • Science Building Support Systems • Psychology Center • Planning for the Marine Science Research and Training Center • Land Acquisition • Renovations for completion of the Basic Sciences Building 	<ul style="list-style-type: none"> • HIGH TECH INITIATIVE \$30 million, non-recurring.
<p>RINGLING MUSEUM</p> <ul style="list-style-type: none"> • Sarasota – Utilities/Infrastructure Improvements • Sarasota – Ringling Art Museum North Addition • Entry Galleries • Main Galleries Expansion 	<ul style="list-style-type: none"> • CLEP \$7.9 million, lottery dollars, plus proviso.
	<ul style="list-style-type: none"> • “EQUITY” FUNDING \$9 million recurring for the following universities: USF, UCF, FIU and UNF. Plus proviso requiring CEPRI and the FBOE to each conduct a study on the equity issue.
	<ul style="list-style-type: none"> • PAY PACKAGE 2.5 percent increase, \$600.00 minimum effective October 1, 0.25% of the salary rate at the discretion of the agency head. May be set aside for non-recurring bonus. 13% increase in insurance premiums.

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students who enter postsecondary education with remediation

- Increase the rates of high school and postsecondary completion
- Maximize student achievement
- Ensure high school graduates are “college ready”

4. Improving the quality of school leadership at all levels

- Attract outstanding leaders from all sectors
- Provide world-class professional development for school leaders
- Hold educational leaders accountable for results

5. Setting and aligning academic standards for every level of the K-20 education system

- Make Florida’s standard high school diploma more rigorous
- Streamline proficiency and placement testing at secondary and postsecondary levels
- Increase the curricular rigor required of and acceleration options available to all 11th and 12th graders in Florida
- Increase access to and production of baccalaureate degrees

6. Appropriately aligning the workforce’s education with the skill requirements of the new economy

- Reorient Florida’s Workforce Development Programs to emphasize skill sets important to employers
- Market and expand enrollments in key workforce education programs
- Promote a world-class research, workforce, and economic development agenda for Florida’s universities

7. Aligning financial resources with performance expectations at each level of the K-20 education system

8. Achieving nationally recognized, world-class institutions of higher learning by improving access, funding, performance and accountability

School Code Rewrite

As a follow-up to last year’s Senate Bill 1162, which restructured education governance in Florida, the Legislature passed, after several attempts, a bill that rewrites the school code, **Senate Bill 20 E**. SB 20 E not only rewrites the statutes, but also restructures, reorganizes and renumbers them.

This sweeping legislation shifts many university governing powers and duties from the Florida Board of Education and the Legislature to the University Boards of Trustees.

There were a few issues outlined in our legislative priorities prior to the session that didn’t make their way into this legislation. These included the admissions deposit language, bonding authority at the Trustee level, and local control to raise tuition and fees. But for the most part, the legislation was favorable to the universities, and includes most of the major issues we were requesting this year, including:

• Legal Entity Status

The bill removes universities from state agency status by designating them as: “public corporations.”

• Personnel Systems/Personnel Classification and Pay Systems

The bill allows universities to establish their own personnel programs and systems in accordance with law and state board rule.

Universities maintain coverage for their employees under the state health insurance and retirement plans.

• Collective Bargaining

The bill allows university boards to bargain locally and designates universities as the public employers for collective bargaining. In addition, the university boards are the legislative bodies for purposes of resolving impasses.

• Deposit of Funds Outside the State Treasury/Investment of Funds

The bill allows universities to deposit funds outside state treasury in a qualified depository for public funds as defined by law.

• Eminent Domain

The bill allows university boards

to exercise the right of eminent domain with the approval of the State Board of Education.

• Florida Financial Management Information System (FEMIS) and FLAIR

The bill establishes a process for each university to prepare a plan to move off the FEMIS and FLAIR systems. Universities must establish a parallel system and demonstrate the adequacy and effectiveness of the new system to meet the needs of the university and to provide information required for legislative budgeting and state level information systems.

• Carry Forward Funds

The bill eliminates the 5 percent cap on university carry forward funds, but establishes a policy where universities must notify the State Board of Education when the unencumbered balance in the general fund goes below 5 percent.

• Ownership of Property

The bill makes the following changes:
- Title to property currently held

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with the state will remain with the state.

- Title to property purchased in the future with state appropriated funds will remain with the state.

- The university boards will hold title to property purchased in the future with funds not appropriated by the legislature.

• **Risk Management**

The bill continues coverage for the universities under the Risk Management Trust Fund.

However, the bill authorizes the State Board of Education to purchase or provide as self-insurer comprehensive general liability insurance.

Universities are required to maintain coverage under the Risk Management Trust Fund.

• **SUNCOM**

The bill continues to require universities to use SUNCOM.

• **Tuition and Fees**

The bill authorizes university boards to set tuition within the General Appropriations Act. Tuition: In-State: 5 percent across the board, all levels, plus an additional up to 5 percent above the undergrad level to be determined by the BOT (Everyone will get a 5 percent increase. FSU's graduate and doctoral levels could get an additional 5% more for a total of 10 percent determined by the trustees.) Out-of-State: 10 percent across the board increase, all levels, plus an additional up to 10 percent all levels determined by the BOT (FYI: Community Colleges received a 3 percent increase)

• **University Admissions**

The bill eliminates the 5 percent system wide cap and authorizes the state board of Education to establish the percent cap which could vary by institution.

• **Summer Semester Coursework**

The bill allows students who receive credit using an acceleration mechanism (such as CLEP testing, AP or IB credit) to count these credits towards the university required nine summer school credits.

• **Law Enforcement**

The bill expands the jurisdiction of University law enforcement to include property and facilities of a university direct-support organization.

• **Student Government**

The bill changes the responsibility of the approval of student government associations internal procedure from the authority of the university president to the university board of trustees.

Effective: January 7, 2003 except as otherwise provided

Q U O T E O F T H E S E S S I O N

(It's like) "...paying your Visa with your MasterCard."

—Senator Jim King (R-Jacksonville, FSU alum) commenting on how the Legislature used non-recurring money to fund recurring programs in this year's \$50 billion dollar budget.

Source: *The St. Petersburg Times*, May 1, 2002.

Spotlight on Bills

Bills That Passed

HB 7, Florida National Guard Tuition/Residency Sponsored by Representative Carey Baker, gives residency status to active members of the Florida National Guard for tuition purposes at public community colleges and universities.

SB 20E, Florida K-20 Education Code by Representative Alex Villalobos (R-Miami, FSU alum). The bill recreates the entire Florida School Code and provides for a review of the Code during the 2003 Regular Session.

HB 67E, Liability by Representative Johnnie Byrd (R-Plant City), prescribes applicability of provisions re comparative fault to boards of trustees; provides venue in actions brought against boards of trustees.

SB 176, Law Officer/Firefighter/Children/Education by Appropriations and Senator Ron Silver, provides waivers for graduate or post baccalaureate educational expenses for children of officers or firefighters killed in the line of duty. Chapter No. 2002-232

HB 219, Open House Parties by Representative Ball, prohibits persons age 18 or older from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by a minor. Chapter No. 2002-60

HB 261, Transportation Department by Council for Ready Infrastructure, contains language authorizing university police officers to enforce traffic laws on property or facilities under supervision or control of a state university or its DSO. Chapter No. 2002-20.

HB 353, Universities and Community Colleges by Representative Leslie Waters, revises membership of state university boards of trustees and shares authority to approve internal procedures of student government organizations between the university president and the boards of trustees. The companion bill, **SB 2070 by Senator Don Sullivan** was laid

on the table in favor of the House bill. Chapter No. 2002-188

SB 332, Athlete Agents by Senator Jim King, redefines term "athlete agent", revises licensure requirements, provides increased administrative fines and additional criminal penalties for certain acts. In addition, it makes provision for civil remedies available to colleges & universities for violations of athlete agent regulations. Chapter No 2002-24

HB 417, Alcoholic Beverages by the Colleges and Universities Committee, allows for serving alcoholic beverages to underage students as part of a required course curriculum. The bill was approved by the Governor and assigned Chapter No. 2002-7

HB 443, Fire Safety Prevention and Control by Representative Gustavo Barreiro, requires the State Fire Marshal to adopt uniform fire safety standards for educational and ancillary plants and educational facilities; provides for enforcement of such standards. The companion bill, **SB 532** by Senator Ron Silver, was laid on the table in favor of the House bill.

SB 496, Education/Dependent Children/Military Sponsored by Senator Richard Mitchell, provides educational opportunities at the state's expense for dependent children of military personnel who died or became 100 percent disabled in Operation Enduring Freedom.

HB 519, Nursing Shortage Solution Act by the Council for Lifelong Learning The bill revises the Nursing Student Loan Forgiveness Program; revises the eligibility for and repayment of the Nursing Scholarship Program; creates the Sunshine Workforce Solutions Grant Program to help fund exploratory programs in nursing at middle and high schools in an effort to support a seamless transition to higher education or employment; revises eligibility requirements for licensure to practice professional or practical nursing. Chapter No. 2002-230

SB 688, Spaceport Florida Authority by Senator Howard Futch, was substituted for **HB 1557 by Representative Bob Allen** and passed. The bill changes the name of Spaceport Florida Authority to Florida Space Authority, and revises the membership and mission of the Spaceport Management Council and its executive board. Chapter No. 2002-183

HB 777, Public Records/Business Information by the Council for Competitive Commerce, protects employers or individual's identity from release to public. Such information may be made available only to public employees in the performance of their public duties. The section is amended to specifically include Department of Education employees. Chapter No. 2002-68

HB 807, Florida Retirement System by the Fiscal Responsibility Council The bill makes the date for payment of retirement contributions consistent under FRS defined benefit and defined contribution programs; addresses Public Employee Optional Retirement Program including employer contributions to the program; provides for disability retirement benefits.

HB 841, Sexual Predators and Offenders by Representative Marty Bowen The bill provides definitions for the terms "institution of higher education" and "change in enrollment or employment status" as they relate to the Florida Sexual Predators Act; requires additional registration requirements for sexual predators who are enrolled or employed at a post-secondary institution. Chapter No. 2002-58

HB 885, Declaration of Independence/Schools by the Council for Lifelong Learning institutes "Celebrate Freedom Week" in public schools and requires students to recite specified portions of the Declaration of Independence each day during that week. Chapter 2002-213

HB 935, Public Records by Representative Marco Rubio creates a public records exemption for personal identifying information of participants in the

Public Employee Optional Retirement Program, with specified exceptions. Chapter No. 2002-45

SB 1002, Cruelty to Animals by the Criminal Justice Committee and Senator Jim King. The bill provides that any person convicted of specified acts that constitute cruelty to animals, where it is determined that the violation includes intentional torture or torment of animal, shall be ordered to undergo psychological counseling or anger management treatment. The bill also sets a minimum mandatory fine. Chapter 2002-51

SB 1090, Student Withdrawal/Military Service by Senator Meek, requires university boards of trustees to establish rules that will allow a student to withdraw from a course due to military service without incurring any financial or academic penalty. Signed by the Governor May 16, 2002

HB 1177, Direct Support Organizations by Representative Gottlieb, restricts activities of university direct-support organizations. Requires that any gift the organization gives, either directly or indirectly, valued in excess of \$1000 immediately be reported to the Board of Trustees. Governor's signing deadline May 30, 2002

HB 1673, Public Records/Social Security Numbers by Representative Fred Brummer was substituted for **SB 1588 by Senator Locke Burt.** The bill exempts from public records social security numbers held by an agency or its employees and prevents their release. Chapter No. 2002-256

HB 1679, Public Records/Study Commission by the Council for Smarter Government, creates a Study Commission on Public Records, and is charged with reviewing the issues of privacy and public access as they relate to the collection and dissemination of information contained in all public records. Governor has not received the bill.

CS/SB 1844, Economic Development by Senator Jim King creates the Florida Technology Development Act and the Emerging Technology Commission. Directs the Board of Education to develop a plan for establishing centers of excellence at state universities through which innovations in technology can be funneled and developed commercially.

SB 1914, Student Financial Assistance by Senator Ron Klein allows part-time students to receive a Florida Public Student Assistance Grant. The bill was substituted for the corresponding House bill, **CS/HB 747.** Chapter No. 2002-34

HB 1977, State Procurement/ Competitive Solicitation by Fiscal Policy and Resources, excludes university Board of Trustees or the state universities and colleges from the definition of "agency." Chapter No. 2002-207

HJR 833 by Representative John Carassas, provides for a constitutional amendment to create a 12-member joint legislative committee that would review Florida's tax exemptions. By majority vote, the committee may present recommendations regarding exemptions to the Legislature as a resolution. The amendment will come before voters in November. Not subject to gubernatorial veto.

Bills That Failed

HB 65 by Representative Phillip Brutus and **SB 708 by Senator Les Miller,** deleted exemptions from the prohibition against appointment, employment, promotion or advancement of relatives by officials to apply to officials of universities and other educational entities. Died in committee.

HB 265 by Representative Curtis Richardson and **SB 422 by Senator Richard Mitchell,** extended the benefits of the Barry Grunow Act to specified district school board employees rather than just teachers and school administrators. Died in committee.

HB 401 by Representative Nancy Argenziano, and **SB 1848 by Senator Ginny Brown-Waite** both died in committee. The bills required community college general education requirements to include civics instruction that focuses on American national government

HB 505, Law Enforcement/Consolidation/FDLE by Representative Mitch Needelman consolidating state agency law enforcement positions under FDLE, died in committee as did its Senate companion **SB 1404.**

SB 538, Educational Scholarship Loan Program by Senator Don Sullivan created the JEB (Jumping on the Educational Bandwagon) Scholarship Loan Program.

The bill died in committee, as did its House companion **HB 69 by Representative Heather Fiorentino.**

HB 665, Postsecondary Alien Students by Representative Dick Kravitz and **SB 958 by Senator Steve Wise** both died in committee. The bills prohibited funds from general revenue, the lottery, or financial aid revenues to be used to provide financial assistance to specified nonresident alien students.

HB 765, Legislature Passage of Bills by Representative Johnnie Byrd and its Senate companion **SB 1252 by Senator Durell Peaden** both died in committee. The bill would have required that all bills, resolutions, conference reports, etc., be given to legislators in final form at least forty-eight hours prior to final passage.

HB 799, Ramiro "Toti" Mendez Act by Representative Gustavo Barreiro and **SB 628 by Senator Silver,** required community colleges and universities to provide complete physical assessments as specified to all students who participate in organized athletics. Died in committee.

HB 805, Human Cloning Prohibition and Responsibility Act by Representative Jim Kallinger and **SB 1164 by Senator Alex Villalobos** died in committee. The Act would have made it unlawful to perform or attempt to perform or assist in performing human cloning, or to ship an embryo produced by human cloning. Provided penalties.

HB 869, Transportation Funding by Representative Dudley Goodlette, eliminated the deduction of administrative costs from the proceeds of the fuel sales taxes and the State Comprehensive Enhanced Transportation System Taxes on motor fuel and diesel fuel. Died in committee.

HB 871, Immunizations/Postsecondary Education by Representative Mike Hogan and **SB 1628 by Senator Ken Pruitt,** required meningococcal meningitis vaccinations for students enrolled in a Florida postsecondary educational institution and living in campus housing. Died in committee.

HB 933, Public Employee Optional Retirement Program by Representative Marco Rubio, allowed employees that are eligible but do not participate in the SUS Optional Retirement Program to participate in the Public Employee Optional Re-

tirement Program. Died in committee. The Senate companion, **SB 1102**, died on the Senate calendar.

HB 1125, by Representative Arthena Joyner, creating the Education Investment Act died in committee. The companion bill, **SB 1890 by Senator Betty Holzendorf**, was withdrawn. The Act was amended into a similar bill, **SB 1586**, which died in House messages.

CS/HB 1241, Education & Training/State Employees by Representative Loranne Ausley died in committee along with its Senate companion **SB 1356 by Senator Al Lawson**. The bill would have granted tuition waivers for non-university state employees. The contents of the bill are included in the House bill revising the school code, which is being considered in this week's special session.

HB 1275, Bright Futures Scholarship Program by Representative Marco Rubio, died in committee. The bill would have revised multiple provisions of the Florida Bright Futures Scholarship Program, including the provisions relating to the testing program and the maximum number of credit hours for which students could receive the scholarship.

HB 1335, Designation of Buildings by Representative David Mealor and SB 2108 by Senator Burt Saunders, named buildings within the State University System. Died in committee.

SB 1376, Florida Retirement System by Senator Al Lawson, lowered the "normal retirement date" and "normal retirement age" for regular class members, and limited participation in the DROP. Died in committee.

SB 1416, Office of Inspector General by Senator Rudy Garcia, creating the Office of Inspector General within the Office of the Commissioner of Education, died in House messages. The identical House bill, **HB 191 by Representative Renier Diaz De La Portilla**, died on the House Calendar.

HB 1965, State Vehicles/Use and Cost by the Fiscal Responsibility Council setting a usage limit for state vehicles, died in committee.

SB 2260, Universities and Community Colleges by Senator Don Sullivan, removing the prohibition against the use of the Trust Fund as a source for state match for private contributions to certain grant programs, died in committee.

Thanks Again!

The Office of Governmental Relations would like to express its gratitude for the support received from the Legislative Liaison Committee members. These important members of our team contributed much hard work and patience during the 2002 Legislative Session.

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